

SA 4759. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. IDENTIFICATION OF, AND PLAN TO IMPROVE, HYPERSONICS FACILITIES AND CAPABILITIES FOR CONDUCTING TEST AND EVALUATION OF HYPERSONICS TECHNOLOGIES.

(a) **IDENTIFICATION REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) identify each facility and capability of the Major Range and Test Facility Base and facilities and capabilities of all Federal test facilities, including test facilities of the National Aeronautics and Space Administration, and private sector organizations that—

(A) are capable of conducting test and evaluation of hypersonics technologies; or

(B) provide other test and evaluation capabilities to support the development of hypersonics technologies; and

(2) not later than one year after the date of the enactment of this Act, provide to the congressional defense committees a briefing on a plan and schedule to improve the capabilities described in paragraph (1), including a description of proposed organizational changes, investments, policy changes, and other activities.

(b) **MAJOR RANGE AND TEST FACILITY BASE DEFINED.**—In this section, the term “Major Range and Test Facility Base” has the meaning given that term in section 196(i) of title 10, United States Code.

SA 4760. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. _____. NATIONAL EQUAL PAY ENFORCEMENT TASK FORCE.

(a) **IN GENERAL.**—There is established the National Equal Pay Enforcement Task Force, consisting of representatives from the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, and the Office of Personnel Management.

(b) **MISSION.**—In order to improve compliance, public education, and enforcement of equal pay laws, the National Equal Pay Enforcement Task Force shall ensure that the agencies listed in subsection (a) are coordinating efforts and limiting potential gaps in enforcement.

(c) **DUTIES.**—The National Equal Pay Enforcement Task Force shall investigate challenges related to pay inequity pursuant to its mission in subsection (b), advance rec-

ommendations to address those challenges, and create action plans to implement the recommendations.

SA 4761. Mr. WARNOCK (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 376. REPORT ON INITIATIVES OF DEPARTMENT OF DEFENSE TO SOURCE LOCALLY AND REGIONALLY PRODUCED FOODS FOR INSTALLATIONS OF THE DEPARTMENT.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report detailing—

(1) efforts by the Department of Defense to establish and strengthen “farm to base” initiatives to source locally and regionally produced foods, including seafood, for consumption or distribution at installations of the Department;

(2) efforts by the Department to collaborate with relevant Federal agencies, including the Department of Veterans Affairs, the Department of Agriculture, and the Department of Commerce, in efforts to procure locally and regionally produced foods;

(3) current procurement practices of the Department of Defense regarding food for consumption or distribution at installations of the Department;

(4) opportunities where procurement of locally and regionally produced foods would be beneficial to members of the Armed Forces, their families, military readiness by improving health outcomes, and farmers near installations of the Department;

(5) barriers currently preventing the Department from increasing procurement of locally and regionally produced foods or preventing producers from partnering with nearby installations of the Department; and

(6) recommendations for how the Department can improve procurement practices to increase offerings of locally and regionally produced foods.

(b) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(2) the Committee on Armed Services, the Committee on Natural Resources, and the Committee on Agriculture of the House of Representatives.

SA 4762. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 318. ANNUAL REPORT ON DEPLOYMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

Section 2925 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) **ANNUAL REPORT RELATED TO DEPLOYMENT OF PHOTOVOLTAIC DEVICES.**—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Assistant Secretary of Defense for Energy, Installations, and Environment, shall submit to the congressional defense committees a report on the deployment of photovoltaic devices supporting the Department of Defense.

“(2) The annual report under this subsection shall include the following:

“(A) A description of all photovoltaic devices installed on property of the Department of Defense or in a facility owned by the Department of Defense, including the following information:

“(i) The location of each such device.

“(ii) The year each such device was installed.

“(iii) The power rating of each such device.

“(iv) The manufacturer of each such device.

“(v) The country or countries where such manufacturer and its affiliates are headquartered or conduct material operations.

“(vi) The country in which each such device was manufactured.

“(B) A description of all photovoltaic devices used to perform or support any non-expired energy savings performance contract (including under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287)), utility service contract, land lease, private housing contract, contract entered into under section 2922a of this title, or other arrangement whereby an agency of the Department of Defense acquired for the use or benefit of the United States Government solar energy or solar energy attributes, which shall include the information set forth under clauses (i) through (vi) of subparagraph (A) with respect to each such device.

“(3) If multiple photovoltaic devices are deployed at a single site, the description of photovoltaic devices required under subparagraph (A) or (B) of paragraph (2) may be aggregated if such devices share in common the manufacturer, the country or countries where such manufacturer and its affiliates are headquartered or conduct material operations, and the country in which such devices were manufactured.

“(4) The annual report under this subsection shall include descriptions only of photovoltaic devices that are designed to be affixed to land or real property and shall not include portable photovoltaic devices.”.

SA 4763. Mr. CORNYN (for himself, Mr. RUBIO, Mrs. HYDE-SMITH, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . TREATMENT OF EXEMPTIONS AND RECORDKEEPING UNDER FARA.

(a) **LIMITATION ON EXEMPTIONS.**—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting “, except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is included on the list maintained by the Assistant Secretary of Commerce for Communications and Information under section 5” before the colon.

(b) **BOOKS AND RECORDS.**—Section 5 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 615), is amended by adding at the end the following: “The Assistant Secretary of Commerce for Communications and Information shall establish a list of, and any relevant information relating to, each agent of a foreign principal that is a foreign adversary (as defined in section 8(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)))”. The Assistant Secretary of Commerce for Communications and Information shall update and maintain the list and any related information under this subsection as the Assistant Secretary determines to be necessary and appropriate.”.

(c) **NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION PROGRAM MODIFICATION.**—Section 8(a)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) notwithstanding paragraph (3), periodically submit to the Attorney General a list of, and any relevant information relating to, each foreign adversary identified for purposes of the program.”.

SA 4764. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the “Federal Information Security Modernization Act of 2021”.

SEC. 5102. DEFINITIONS.

In this division, unless otherwise specified:

(1) **ADDITIONAL CYBERSECURITY PROCEDURE.**—The term “additional cybersecurity procedure” has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(2) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(5) **INCIDENT.**—The term “incident” has the meaning given the term in section 3552(b) of title 44, United States Code.

(6) **NATIONAL SECURITY SYSTEM.**—The term “national security system” has the meaning given the term in section 3552(b) of title 44, United States Code.

(7) **PENETRATION TEST.**—The term “penetration test” has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(8) **THREAT HUNTING.**—The term “threat hunting” means proactively and iteratively searching for threats to systems that evade detection by automated threat detection systems.

TITLE LI—UPDATES TO FISMA

SEC. 5121. TITLE 44 AMENDMENTS.

(a) **SUBCHAPTER I AMENDMENTS.**—Subchapter (a) of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

“(v) confidentiality, privacy, disclosure, and sharing of information;”;

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

“(vi) in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, security of information; and”; and

(B) in subsection (g), by striking paragraph (1) and inserting the following:

“(1) develop, and in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies; and”;

(2) in section 3505—

(A) in paragraph (3) of the first subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting “the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and” before “the Comptroller General”; and

(II) by striking “and” at the end;

(ii) in subparagraph (C)(v), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning.”; and

(B) by striking the second subsection designated as subsection (c);

(3) in section 3506—

(A) in subsection (b)(1)(C), by inserting “, availability” after “integrity”; and

(B) in subsection (h)(3), by inserting “security,” after “efficiency.”; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

“(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security or cybersecurity to the Director of the Cybersecurity and Infrastructure Security Agency.”.

(b) **SUBCHAPTER II DEFINITIONS.**—

(1) **IN GENERAL.**—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (6), (9), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) The term ‘additional cybersecurity procedure’ means a process, procedure, or other activity that is established in excess of the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.”;

(C) by inserting after paragraph (6), as so redesignated, the following:

“(7) The term ‘high value asset’ means information or an information system that the head of an agency determines so critical to the agency that the loss or corruption of the information or the loss of access to the information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.

“(8) The term ‘major incident’ has the meaning given the term in guidance issued by the Director under section 3598(a).”;

(D) by inserting after paragraph (9), as so redesignated, the following:

“(10) The term ‘penetration test’ means a specialized type of assessment that—

“(A) is conducted on an information system or a component of an information system; and

“(B) emulates an attack or other exploitation capability of a potential adversary, typically under specific constraints, in order to identify any vulnerabilities of an information system or a component of an information system that could be exploited.”; and

(E) by inserting after paragraph (11), as so redesignated, the following:

“(12) The term ‘shared service’ means a centralized business or mission capability that is provided to multiple organizations within an agency or to multiple agencies.”.

(2) **CONFORMING AMENDMENTS.**—

(A) **HOMELAND SECURITY ACT OF 2002.**—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3552(b)(5)” and inserting “section 3552(b)”.

(B) **TITLE 10.**—

(i) **SECTION 2222.**—Section 2222(i)(8) of title 10, United States Code, is amended by striking “section 3552(b)(6)(A)” and inserting “section 3552(b)(9)(A)”.

(ii) **SECTION 2223.**—Section 2223(c)(3) of title 10, United States Code, is amended by striking “section 3552(b)(6)” and inserting “section 3552(b)”.

(iii) **SECTION 2315.**—Section 2315 of title 10, United States Code, is amended by striking “section 3552(b)(6)” and inserting “section 3552(b)”.

(iv) **SECTION 2339A.**—Section 2339a(e)(5) of title 10, United States Code, is amended by striking “section 3552(b)(6)” and inserting “section 3552(b)”.

(C) **HIGH-PERFORMANCE COMPUTING ACT OF 1991.**—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking “section 3552(b)(6)(A)(i)” and inserting “section 3552(b)(9)(A)(i)”.

(D) **INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.**—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g-3a) is amended by striking “section 3552(b)(6)” and inserting “section 3552(b)”.

(E) **NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.**—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(F) **IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.**—The Ike Skelton National Defense Authorization Act